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**By ECF**

Honorable Sarah L. Cave  
United States Magistrate Judge  
United States District Court  
Southern District of New York  
Daniel Patrick Moynihan Courthouse  
500 Pearl Street  
New York, New York 10007

Defendants' request at ECF No. 51 is GRANTED, and the proposed briefing schedule set forth therein is ADOPTED.

By Tuesday, May 28, 2024, counsel for Defendants shall serve a copy of this Order on pro se Plaintiff Nigel Fredricks and file proof of service on the docket.

The Clerk of Court is respectfully directed to close ECF No. 51.

SO ORDERED. 5/24/2024

  
SARAH L. CAVE  
United States Magistrate Judge

Re: Nigel Fredricks v. Correction Officer John Doe, et al.,  
21 Civ. 8389 (JGLC) (SLC)

Your Honor:

I am an Assistant Corporation Counsel in the Office of the Honorable Sylvia O. Hinds-Radix, Corporation Counsel of the City of New York, attorney for the Defendants Ritter, White, and Lemon in the above-referenced matter. In that capacity, I write to respectfully request a one-week extension to file Defendants Ritter, White, and Lemon's Motion to Dismiss pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure—from May 28, 2024 to June 4, 2024—for the reasons stated herein. This request impacts other deadlines in the briefing schedule, which Defendants respectfully request be modified as set forth herein. This is Defendants' first request for an extension of this kind. Plaintiff is currently incarcerated so his consent could not readily be obtained: However, Plaintiff would not be prejudiced by the granting of this request.

By way of background, Nigel Fredricks (hereinafter "Plaintiff") initiated this action pursuant to 42 U.S.C. § 1983 on October 8, 2021, against two John Doe Correction Officers, one John Doe Captain, and one John Doe Doctor. (Dkt. No. 2). In his Amended Complaint, Plaintiff alleges that on September 18, 2021, he was assaulted after he gave his cell mate "what he was asking for," and the "next thing you know the [w]hole house was jumping on me." ECF No. 6, ¶ 6. Plaintiff claims that Correction Officer White "started to become very aggressive" and flexcuffs were placed on him. ECF No. 6, ¶¶ 8-9. Plaintiff then claims that Captain Lemon got him medical attention. ECF No. 6, ¶ 11. Nevertheless, in liberally construing Plaintiff's Amended Complaint, he appears to allege that Captain Lemon, Correction Officer Ritter, and Correction Officer White were deliberately indifferent to his safety and to his medical needs. These claims fail as a matter of law.

Defendants Lemon, Ritter, and White requested a briefing schedule on April 29, 2024, which allowed Defendants until May 27, 2024 to file their Motion to Dismiss. Despite diligent efforts, Defendants require additional time due to scheduling conflicts and other time sensitive matters in order to prepare and file a thorough motion.

Accordingly, for the reasons set forth herein, Defendants respectfully request that Your Honor endorse the following, updated briefing schedule: Defendants' Motion to Dismiss due June 4, 2024; Plaintiff's Opposition Due July 9, 2024; Defendants Reply, If Any, Due: July 30, 2024.

Thank you for your consideration herein.

Respectfully submitted,

A handwritten signature in black ink that reads "Mary K. Sherwood". The signature is fluid and cursive, with the first letters of each word being capitalized and prominent.

Mary K. Sherwood  
*Assistant Corporation Counsel*  
Special Federal Litigation

Cc: FIRST-CLASS MAIL  
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